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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2507/2022, CRL.M.(BAIL) 1002/2022
PRATAP SINGH Petitioner

Through: Mr. Rakesh Dahiya, Mr. Aditya
Dahiya, Advs.

versus

THE STATE (NCT OF DELHI) Respondent
Through: Mr Aashneet Singh, APP for State
with SI Dharmender, PS Special Cell

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **03.11.2022**

This is a petition seeking bail in FIR No. 0069/2021 dated 08.03.2021 registered at PS Special Cell u/s 21/29 NDPS Act.

As per the FIR, information was received regarding supply of Heroine and one Uday Patel was involved in the said transaction. It also transpired that Kapil *alias* Vivek was to receive the consignment from Uday Patel. A trap was laid and Uday Patel, Kapil and Ram Naresh Yadav were apprehended. 3 Kg heroine was recovered from Kapil and 7 Kg from Uday. Hence the FIR.

The accused persons were arrested and interrogated and were produced before the Court and PC remand was obtained.

During the course of interrogation, accused Kapil named the applicant as one of the persons in the drug trafficking racket.

As per the status report, the evidence against the applicant is 1) disclosure statement of the accused himself; 2) the voice sample of the applicant has matched with the intercepted call between the applicant and

Kapil regarding drug transaction.

The applicant has been apprehended primarily on the basis of the disclosure statement of one Kapil. There is no recovery made from the applicant.

Further, admittedly, the applicant is running a shop of fertilizer at Barabanki, UP.

The intercepted conversation between Kapil and the applicant shows that they were talking about supply of 'Khad' which cannot be solely interpreted to mean drugs/contraband.

The applicant has been in custody since 09.03.2021.

As regards the bar of Section 37 is concerned, in the present case, the public prosecutor has been granted an opportunity to oppose the application.

There is no recovery from the applicant, there is no money trail or possession of any drugs/contraband with the applicant.

The applicant has clear antecedents and there is no other case pending against him and the only material against the applicant is the disclosure statement of Kapil and the intercepted conversation which talks about 'Khad'.

The applicant is in the business of fertilizers and hence the use of word 'Khad' is neither unusual nor strange.

I have reasonable ground to believe that he is not guilty of the offence.

I am also, *prima facie*, of the view that he is not likely to commit any offence while on bail. Hence the application needs to be allowed.

For the aforesaid reasons, the applicant is directed to be enlarged on bail on the following conditions:

- i. The applicant shall furnish a personal bond and a surety bond in the sum of Rs. 50,000/- each, to the satisfaction of the Trial Court;
- ii. The applicant shall appear before the Court as and when the matter is taken up for hearing;
- iii. The applicant shall join investigation as and when called by the I.O concerned;
- iv. The applicant shall provide his mobile number to the Investigating Officer (IO) concerned, which shall be kept in working condition at all times. The applicant shall not switch off, or change the same without prior intimation to the IO concerned, during the period of bail;
- v. The applicant shall report to the local Police Station on the first Monday of every month;
- vi. In case the applicant changes his address, he will inform the IO concerned and this Court also;
- vii. The applicant shall not leave the country during the bail period and surrender his passport, if any, at the time of release before the I.O. concerned;
- viii. The applicant shall not indulge in any criminal activity during the bail period;
- ix. The applicant shall not communicate with, or come into contact with any of the prosecution witnesses or tamper with the evidence of the case.

The petition is disposed of.

NOVEMBER 3, 2022/dm

JASMEET SINGH, J

Click here to check corrigendum, if any